

Part 1

General Provisions

53A-25a-101 Title.

This chapter is known as the "Blind Persons' Literacy Rights and Education Act."

Enacted by Chapter 280, 1994 General Session

53A-25a-102 Definitions.

As used in this chapter:

- (1) "Blind student" means an individual between ages three through 21 who is eligible for special education services and who:
 - (a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance no greater than 20 degrees;
 - (b) has a medically indicated expectation of visual deterioration; or
 - (c) has functional blindness.
- (2) "Braille" means the system of reading and writing through touch, commonly known as English Braille.
- (3) "Functional blindness" means a visual impairment that renders a student unable to read or write print at a level commensurate with the student's cognitive abilities.
- (4) "Individualized education program" or "IEP" means a written statement developed for a student eligible for special education services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. Section 1414(d).

Amended by Chapter 189, 2014 General Session

53A-25a-103 Braille skills assessment -- Development of individualized education program.

- (1) Any assessment required for a blind student shall include a Braille-related or Braille skills assessment, including a statement of the individual's present level of performance.
- (2)
 - (a) Prior to determining whether a blind student should use Braille as the primary reading mode, the student's IEP team must be provided with detailed information about the use and efficiency of Braille as a reading medium.
 - (b) The team shall acquire the information through pertinent literature or discussions with competent Braille users and educators, or both, in order to make an informed choice as to the student's primary reading mode.
- (3) In developing an IEP for each blind student, there is a presumption that proficiency in Braille is essential for the student to achieve satisfactory educational progress.
- (4) The use of and instruction in Braille are not required under this section if, in the course of developing the student's IEP, the team determines that the student's visual impairment does not significantly affect reading and writing performance commensurate with ability.
- (5) Nothing in this section requires the exclusive use of Braille if other special education services are appropriate to meet the student's educational needs.
- (6) The provision of other appropriate special education services does not preclude the use of Braille or Braille instruction.

Enacted by Chapter 280, 1994 General Session

53A-25a-104 Instruction in reading and writing of Braille.

- (1) Instruction in the reading and writing of Braille shall be sufficient to enable each blind student to communicate effectively and efficiently with the same level of proficiency expected of the student's peers of comparable ability and grade level.
- (2) The student's IEP shall specify:
 - (a) the results obtained from the skills assessment required under Section 53A-25a-103;
 - (b) the manner in which Braille is to be implemented as a reading mode for learning in other academic activities;
 - (c) the date on which Braille instruction shall begin;
 - (d) the length of the period of instruction and the frequency and duration of each instructional session;
 - (e) the projected level of competency in the reading and writing of Braille to be achieved by the end of the IEP period and the objective assessment measures to be used; and
 - (f) if a decision has been made under Section 53A-25a-103 that Braille instruction or use is not required for the student:
 - (i) a statement that the decision was reached after fully complying with Subsection 53A-25a-103(2); and
 - (ii) a statement of the reasons for choosing another reading mode.

Enacted by Chapter 280, 1994 General Session

53A-25a-105 Braille versions of textbooks.

- (1) As a condition of the annual contract for instructional materials process and as a condition of textbook acceptance, the State Board of Education shall require publishers of textbooks recommended by the board to furnish, on request, their textbooks and related instructional materials in an electronic file set, in conformance with the National Instructional Materials Accessibility Standard, from which Braille versions of all or part of the textbook and related instructional materials can be produced.
- (2) When Braille translation software for specialty code translation becomes available, publishers shall furnish, on request, electronic file sets, in conformance with the National Instructional Materials Accessibility Standard, for nonliterary subjects such as mathematics and science.

Amended by Chapter 294, 2009 General Session

53A-25a-106 Licensing of teachers.

- (1) As part of the licensing process, teachers licensed in the education of blind and visually impaired students shall demonstrate their competence in reading and writing Braille.
- (2)
 - (a) The State Board of Education shall adopt procedures to assess the competencies referred to in Subsection (1), consistent with standards adopted by the National Library Service for the Blind and Physically Handicapped.
 - (b) The board shall require teachers of the blind to meet the standards referred to in Subsection (2)(a).

Amended by Chapter 224, 2000 General Session

